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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,169	08/07/2003	Rodger D. Thomason	03-12389	2098
7590	11/30/2004		EXAMINER	
CISLO & THOMAS LLP 233 WILSHIRE BOULEVARD SUITE 900 SANTA MONICA, CA 90401-1211			SANDY, ROBERT JOHN	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/636,169	THOMASON ET AL.
	Examiner Robert J. Sandy	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 August 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-19 is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 December 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/7/2003.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Ex parte Quayle*

This application is in condition for allowance except for the following formal matters:

#### *Drawings*

The drawings are objected to because drawing reference numeral “404” should be changed to – 405 – in order to be consistent with the written description on page 6 where “Protrusion 405” are recited in line 20. Compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### *Specification*

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification provides no antecedent basis for the claimed invention having “a first protuberance” and “a second protuberance” (see claims 1, 11 and 19).

The disclosure is objected to because of the following informalities:

On page 7, line 20, “5a-5h” should be changed to read as - - 5a –5d - - since only these figures were originally filed in the instant application.

On page 8, line 18, “Figure 7” should be changed to read as - - Figures 7A-7D - - since only these figures were originally filed in the instant application, and a “Figure 7” was not provided-among-the-filed-drawing-sheets.

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On page 8, line 22, "Figure 6" should be changed to read as - - Figures 6A-6D - - since only these figures were originally filed in the instant application, and a "Figure 6" was not provided among the filed drawing sheets.

On page 9, line 1 of the first paragraph, "Figure 8" should be changed to read as - - Figures 8A and 8B - - since only these figures were originally filed in the instant application, and a "Figure 8" was not provided among the filed drawing sheets.

On page 9, line 2 of the first paragraph, "Figure 7" should be changed to read as - - Figures 7A-7D - - since only these figures were originally filed in the instant application, and a "Figure 7" was not provided among the filed drawing sheets.

Appropriate correction is required.

#### REASONS FOR ALLOWANCE

Claims 1-18 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or suggest a lanyard device having the structural combination a flexible cord forming a loop and having a first end and a second end, the first end and the second end include a means for disengaging the first end and the second end of the flexible cord when a predetermined force is applied to the means, and a coupling means for coupling an object to the flexible cord, the coupling means comprising a J-shaped bore, and the first end and the second end of the flexible cord is insertable through the J-shaped bore. Recitation of the means-plus-function phrase "means for disengaging the first end and the second end of the flexible cord" invokes the sixth paragraph of 35 U.S.C. 112, which thereby defines the means-plus-function phrase, as it is supported by the written specification, by "coated free ends 204" (page 5, line 19) which may be dipped in a soft pliable rubber material 204" (page 5, lines 15-16) where "these coated free ends 204 will pull through the friction/slide device under one pound or one ounce of force..." (page 5, lines 19-20). The specification additionally defines the *means for disengaging* in the sentence beginning on page 2, line 24, where "[t]he ends of the flexible cord may be coated with a polymeric material and tapered near the bottom portion of the cord end." Figure 3e shows a breakaway feature of end clip 300 having end 301, where the (replacement) paragraph beginning on page 6, line 3, has described "tapered-end-302-is-depicted-here-a-conical, but any

shaped of taper may be suitable so long as the cross-sectional area of the lanyard 200 decreases substantially near its end and then returns to normal size at its ends. The effect of this feature to reduce the force necessary to implement the breakaway feature during an emergency.”

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chao (U.S. Patent No. 6,382,407), Pendleton (U.S. Patent No. 2,481,946), and Weil (U.S. Patent No. 2,704,961) each show a lanyard for retaining spectacles around a wearer's neck. However, Chao ('407), Pendleton ('946) and Weil ('961) each fail to disclose the requisite J-shaped bore through which the cord is insertable therethrough.

Lenderman (U.S. Patent No. 6,196,382) and Wilkinson (U.S. Patent No. 4,176,773) each teach a device for holding a cigarette lighter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT J. SANDY  
PRIMARY EXAMINER